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Globalization and interdependence: international migration and development

Promotional protection of human rights: human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms

Letter dated 5 October 2006 from the Permanent Representative of Mexico to the United Nations addressed to the Secretary-General

In its capacity as facilitator for the issue of international migration in the framework of the Helsinki Process, the Government of Mexico sponsored the Helsinki Process Meeting on International Migration, which took place on 25 and 26 July 2006.

The purpose of this event was to foster dialogue among the various stakeholders involved in the phenomenon of international migration and to provide input from the Helsinki Process for the discussions being held in the United Nations, particularly the General Assembly's High-level Dialogue on International Migration and Development and the follow-up thereto.

I have the honour to transmit herewith the final report of the aforementioned meeting (see annex). I should be grateful if you would have this letter and its annex circulated as a document of the General Assembly under agenda items 55 (b) and 67 (b).

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Annex to the letter dated 5 October 2006 from the Permanent Representative of Mexico to the United Nations addressed to the Secretary-General

[Original: English and Spanish]

Report of the Helsinki Process meeting on international migration

Mexico City, 25 and 26 July 2006

The Helsinki Process Meeting on International Migration was held in Mexico City on 25 and 26 July 2006. Representatives of 18 States, 7 International Organizations and 12 Civil Society Organizations and experts participated in this meeting.

The Meeting was opened by Dr. Luis Ernesto Derbez, Minister of Foreign Affaires of Mexico and Ms. Anne Sipilainen, representative of the Finnish Co-Chairmanship of the Helsinki Process on Globalization and Democracy.

The main objective of the Meeting was to analyze diverse issues of the migratory agenda in order to contribute to the High Level Dialogue on International Migration and Development that will take place in the United Nations General Assembly on 14-15 September 2006.

With that purpose, the Meeting discussed the four themes to be addressed in the High Level Dialogue, through a rich exchange of views, opinions and proposals, adopting an integral and comprehensive perspective of the migratory phenomenon, with a view to: advancing in the consolidation of an international agenda on migration and development, which has been in configuration during the last decade, and to present ideas and analyze proposals regarding the best way to continue the analysis of these issues in the multilateral framework of the United Nations.

It was stressed that the High Level Dialogue is expected to lead to a new vision and culture on migration, that favors a thorough understanding of the phenomenon. This was considered necessary to promote the positive contributions of migration and for the purpose of avoiding fragmented approaches.

It was affirmed that short term responses should give way to long term, comprehensive strategies and solutions. To achieve this, it is necessary to go beyond traditional approaches that are limited to migration management and to adopt, instead, integral approaches that take into consideration the causes and effects of migration, both placing the migrant person in the center of every migration policy and project, and taking into account the challenges that migration poses to States and to migrants.

It was recognized that migrants have contributed considerably to world-wide cultural exchange, economic development and social progress, and that they have brought valuable and dynamic contributions to the societies in their countries of origin as abroad, and will continue to do so.

It was considered that, as most countries are countries of migration, when focusing on common factors more than on those that divide them, areas of consensus may emerge, thus allowing the consolidation, in the framework of the United Nations, of a forum for continued dialogue and reflection of the several aspects conforming the international migration agenda, with a vision based on focusing international migration on its multiple aspects, taking into account its causes and effects in countries of origin and destination and seeking an understanding among States based on the principles of international cooperation and mutual benefit.

It was stated that a democratic and inclusive vision of the migratory phenomenon needs, for its international analysis and follow up, the involvement of all stakeholders concerned, in order to help find solutions to the global challenges that migration has, with economical, developmental and, socio – cultural implications – it involves questions such as human rights, education, employment, good governance, health, and investments both in the countries of origin and destination. A

key task for international community is to turn international migration into a positive force for development, and to focus on the situation of the migrants themselves. In this context, it was stressed that the comparative advantage and value-added of the Helsinki Process Meeting on International Migration lies on the diversity of its actors and the plurality of the visions. For those reasons, Participants considered the Helsinki Process as well positioned to provide valuable input to the UN High Level Dialogue on International Migration and Development.

The debates developed according to the program of the meeting.

A summary of them is presented as follows.

Thematic debate 1: Measures to ensure respect for and protection of the human rights of all migrants, and to prevent and combat smuggling of migrants and trafficking in persons.

- The obligation of States to ensure the full respect and protection of all the human rights of all migrants, in accordance with international law and international legal instruments, was emphasized.

- In this regard, the importance of adopting measures in order to effectively implement those instruments in relation to migrant's rights and to achieve their universal adherence was underscored. In this connection, the need to increase adherence to the International Convention on the Rights of All Migrant Workers and Members of their Families was particularly stressed.

- The need to ensure full respect for migrant's labour rights, regardless of their migratory status, in conformity with national legislation and international legal instruments, was highlighted. Likewise, the importance of protecting migrant workers from labour related abuses and exploitation was stressed, with particular attention to migrants in an irregular situation, and women, due to their vulnerability. There was also an emphasis on the need to enforce labour law effectively with regard to migrant workers' labour relations and working conditions, including those related to remuneration, conditions of health, safety at work and the right to freedom of association.

- The growing need to strengthen the protection of the human rights of migrants who often find themselves in the most vulnerable situations, such as irregular migrants, women and children was also stressed. It was pointed out that actions should be undertaken at the national and international levels in order to prevent violations of the rights of these migrants. Among others, such actions should include the training and awareness raising of Government officials, border control and security personnel on human rights, gender and child related issues.

- The need to fight against smuggling of migrants and trafficking in persons was underscored, as these crimes may endanger the lives of migrants or subject them to harm, servitude or exploitation. A particular concern was expressed over the sexual and labour exploitation to which victims of these crimes are often subjected. Urgent calls were made to strengthen international cooperation in the fight against such crimes, through a comprehensive approach that includes measures for prevention, law enforcement and, especially, the protection of victims.

- It was recognized that States must abide by existing international human rights standards when enacting and implementing their national security measures. It was pointed out that concerns related to national security and sovereignty should not prevail over human rights standards and obligations.

- The need to adopt measures in the framework of international cooperation and under the principle of shared responsibility, in order for international migration to take place through regular means and fully respecting the human rights of migrants, was highlighted.

- The need to promote the protection of persons that belong to minorities, such as indigenous migrant populations in order to avoid discriminatory treatment, was recognized.

- The importance of guaranteeing respect for the rights of migrants while in transit, including while crossing borders and in migration checkpoints, was underscored.

- It was noted that there is a need to strengthen measures at the national and international levels, and in cooperation with civil society, so as to combat racist and discriminatory acts against migrants, and to promote tolerance in all spheres.

- The importance of a successful integration of migrants into the receiving societies was underscored, as this benefits both migrants and society. It was considered that Governments should adopt measures that actively promote such integration through policies in different fields, including the educational, cultural, social and labour fields. The key role of civil society in this task was also underlined.

- The positive effect of migrant's family reunification was recognized, and as such it was thought important to facilitate it.

- It was considered important for Governments to undertake information campaigns, in cooperation with civil society, in order to clarify opportunities, limitations and rights in the event of migration, so as to enable everyone to make informed decisions.

- It was noted that mixed international movements of persons require special attention by the international community, as Governments should continue to abide by their obligations with regards to international Human Rights Law and International Refugee Law in order to grant the necessary protection to refugees and asylum seekers, and at the same time guarantee respect for the rights of migrants.

Thematic Debate 2: Effects of international migration on economic and social development.

- It was noted that international migration is often the result of the migrants' search of better conditions of life and development for themselves and their families. The Meeting also recognized that while international migration faces economic and demographic differences between countries of origin and countries of destination (as "pull-push factors"), international migration is also induced by diverse factors that go beyond the economic field.

- The need to distinguish between development and growth was deemed important. Participants identified migration' causes such as poverty, the demand of low cost workers by countries of destination and the under development in the countries of origin.

- It was noted that there exists a strategic lack of knowledge in countries of destination –meaning that they choose to ignore or allow all necessary things to keep the country working- on the other hand, underlined the importance to detach migration from the national security issue thus allowing the debate to focus in a complementary approach which emphasizes the positive influence of migration.

- It was reiterated that even though migration is an historic phenomenon, it has been along the XXI century that migrants have acquired a growing importance as political actors and as such they are also a force to reckon with. Furthermore, it was acknowledged that there is a lack of analysis in the development of policies to attend migrants in a natural disaster situation; the policies should include measures that go from early prevention to reconstruction and rehabilitation.

- It was recognized that international migration impacts countries of origin both positively and negatively. Positive effects include the economic impact of migrants' remittances, the knowledge, experience sharing and capacity building. Participants noted that return and circular migration contribute to enhance the long term benefits for countries of origin.

- Meeting participants mentioned among the negative effects for countries of origin the loss of highly skilled persons ("brain drain"), a situation particularly serious in areas such as health. A call was made to convey a deep study in this regard, besides an intensive cooperation between origin and destination countries in order to implement policies and programs focused on taking advantage of human resources in the origin countries. Likewise, the design of compensatory measures such as supporting return programs –including temporary and virtual (video conference) return of migrants to origin countries in order to transform the brain drain to brain gain, was proposed.

- Among the positive effects of international migration on countries of destination, participants recognized that migrant workers have a positive impact on the labor market of the destination country as they often fill occupational niches in which national workers do not participate. Migrants also contribute to economic growth as consumers and tax contributors. They also contribute to fill in the defict of workers due to the increasing generational gap in most receiving countries. The Meeting also underscored the positive role of migrants in the cultural enrichment of societies.

- The need to implement measures that guarantee the respect of the migrants, the tolerance and its integration in the receiving society was emphasized.

- The Participants shared some experiences related to the attention of situations originated by migration, as well as to the promotion of development in regions with high emigration rates. Some measures were mentioned to take advantage of the benefit of the migrants' remittances in development projects.

- Participants agreed in the importance of prioritizing those initiatives which have a positive effect in creating the conditions for international migration to be a choice and not a necessity. In this regard, they stressed the need for a coherent approach to development strategies and migration policies.

Thematic debate 3: Promoting the building of partnerships and capacity-building and the sharing of best practices at all levels, including the bilateral and regional levels, for the benefit of countries and migrants alike.

- The global scope and the multidimensional nature of international migration was highlighted, and thus the need to address it through coherent and collaborative approaches that involve all stakeholders in countries of origin, transit and destination, international organizations, as well as civil society, workers organizations and the private sector.

- It was considered important to establish or strengthen mechanisms to facilitate the sharing of information, knowledge and experiences among different actors, as well as supporting capacity building with the aim of promoting an integral approach that encompasses the elaboration of coherent and integral policies to address international migration.

- Useful experiences were shared regarding regional and inter-regional dialogues in which joint actions were envisaged to maximize the positive effects of migration for all stakeholders and minimize its negative impacts. Such actions include, among others, the facilitation of migration through legal channels; a broader participation of migrants and migrant communities as agents of development; and the strengthening of employment capabilities in countries of origin.

- The need to undertake a more strategic planning and a qualitative assessment regarding the implementation of migration policies was pointed out. It was also indicated that such assessment should go beyond mere statistical figures and it should involve all relevant actors.

- It was considered that an integral approach to international migration should include the following principles: (i) the placement of migrants, as persons and bearers of rights, at the core of any migratory policy or programme; (ii) an unequivocal rights based approach to the issue of migration, which would include labour rights regardless of migrants' migratory status; (iii) the need to implement governmental security agendas in full respect for the rights of all migrants; and (iv) the fostering of comprehensive development programmes in close connection with the migratory agenda, at the national and international levels.

- It was pointed out that the issue of international migration should be addressed in an open and transparent manner, avoiding partial approaches that tend to ignore or over-emphasize certain aspects of the issue when this is beneficial for some actors. It was highlighted that the adoption of migration policies should take into account the specific features of the migratory movements and establish criteria that give due consideration to international human rights standards.

- A reference was made to several national, regional and international meetings that have taken place recently in order to contribute to the success of the UN High Level Dialogue, among others, the Ibero-American Meeting on Migration and Development in Madrid, Spain (July 2006).

- The Representative of Morocco, as host country of the Euro-African Ministerial Conference on Migration and Development, held in Rabat, Morocco on July 2006, and on behalf of Finland, Current Chair of the European Union, made a presentation on the Rabat Declaration and the Plan of Action, adopted during the Conference, commenting that the Plan established bases for a genuine innovative and stable association between European and African countries, as well as a new approach which integrates development and security aspects.

- The Algerian Delegation distributed the "Draft African Common Position on Migration and Development" * elaborated during the Experts' Meeting on Migration and Development in Algiers, Algeria in April, 2006, which expresses the need of a coherent and comprehensive approach which takes into account the reality and trends of migration issues, the connection between migration and development as well as the strategies designed among the states of origin, transit and destination that, in order to find long- lasting and balanced solutions.

* Endorsed by the VII Heads of State Summit of the African Union in Banjul, Gambia, 1-2 July, 2006, as the contribution of Africa to the UN-HLD.

Thematic debate 4: Multidimensional aspects of international migration and development, including remittances.

- The need for an increased coherence at the national and international levels in policy making focused on addressing international migration, received particular attention. It was highlighted that migration impacts most areas of governmental activity, and thus should be taken into consideration when designing public policies, through a coherent and principled approach.

- It was also underscored that, in particular, the human rights aspects of international migration should be integrated at the core of the discussions and policy formulations on all other areas of the issue, since respect for the human rights of migrants is not only a fundamental obligation that needs to be underscored in different contexts, but also because human rights issues are often at the basis of the factors that propel international migration.

- In this regard, the close interrelation between migration and development was highlighted, underlining that human rights considerations are a necessary component in order to fully achieve this approach.

- The idea of adopting co-development approaches in order to jointly improve the social and economic conditions of countries of origin and destination for the benefit of countries and migrants alike, and with the participation of migrants and migrant communities as partners of development, received widespread attention.

- It was noted that when addressing the multidimensional aspects of international migration, it is necessary to incorporate the needs and particularities of women and children.

- It was noted that migrants' remittances contribute to the economic welfare of receiving countries, notably to the households and communities of migrants. It was highlighted that governments and the private sector should continue to make efforts in order to ensure that the transfer of remittances can take place through secure and low cost channels and to search further for mechanisms that allow for the recipients of remittances to benefit more from them.

- It was considered that the Helsinki Process can contribute significantly to advance the discussions on international migration in the context of other multilateral fora, including the United Nations High Level Dialogue on International Migration and Development, by promoting an open dialogue and a cooperative and multi-stakeholder approach to the issue.

- The need to ensure an effective follow up to the discussions that will take place in the High Level Dialogue, in an ongoing and structured manner, was underscored. In this regard, the proposal made by the United Nations Secretary General to establish a forum for this purpose was viewed as a positive approach. It was indicated that the United Nations should play a central role in creating a space to for discussions on the issue.

- It was also highlighted that any such follow up mechanism should provide for an active participation by all stakeholders, including international organizations and civil society, including workers and employers organizations. Likewise, a need to ensure that follow up is characterized by an open and transparent dialogue that addresses international migration through an integral, holistic and action oriented approach, was underscored.